

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: December 13, 2005
)	
Dennis Campbell)	DOCKET NO.: 05F-063
Committee Clerk (Former))	
Council of the District of Columbia)	
1200 – 14 th Street, NW, #701)	
Washington, DC 20005)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Dennis Campbell, Committee Clerk (Former), Council of the District of Columbia, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 6, 2005, OCF ordered Dennis Campbell (hereinafter respondent), to appear at a scheduled hearing on September 16, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On September 16, 2005, the respondent appeared at the scheduled hearing and testified that he separated from government service on December 31, 2004. Respondent stated that he received no documentation concerning the requirement to file from the DC Council or the Office of Campaign Finance prior to receipt of the Notice of Hearing, Statement of Violations and Order of Appearance that was forwarded from a former

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address. Respondent further stated that OCF's address of record is incorrect, and that he resided at 5618 Ogden Road, Bethesda, Maryland 20816 from November 2004 to July 2005. Respondent stated that his current residence, effective July 15, 2005, is 1200 – 14th Street, NW, #701, Washington, DC 20005. Respondent filed the required Financial Disclosure Statement at the conclusion of the hearing.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent filed the Financial Disclosure Statement for calendar year 2003 within the extended filing deadline on June 21, 2004.
2. Respondent separated from the District Government on December 31, 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on September 16, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because OCF's address of record, forwarded by his former agency, was incorrect.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. Agency heads are responsible for maintaining the currency of the names and current mailing addresses of all persons required to file pursuant to D.C. Official Code §1-1106.02(b).
3. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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4. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for failing to timely file, in that his address of record, as provided by respondent's agency, was incorrect, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Dennis Campbell, by regular mail, on December 13, 2005.

cc: Vivian Ellis, HR Advisor
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.